

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUNSET EQUITIES LTD. and RON
HERSHCO,

Plaintiffs,

- against -

DONALD J. URGO & ASSOCIATES, LLC,
URGO HOTEL MANAGEMENT, LLC,
URGO HOTELS LP, UH NASSAU
LIMITED, DONALD J. URGO, DONALD
J. URGO JR., KEVIN URGO, and
MATHEW JALAZO,

Defendants.

ORDER

22 Civ. 8857 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

In a December 20, 2022 letter, Defendants “seek[] leave to file a motion to dismiss this entire action pursuant to the prior pending action doctrine, which defense is asserted in Defendants’ Answer, because of the pendency of an action among Sunset Equities LTD., Donald J. Urgo & Associates, LLC and UH Nassau Limited in The Bahamas.” (Dkt. No. 13 at 5) Defendants also say “that the law of The Bahamas likely applies to the claims in this action based on the choice of law rules of the forum state (New York), the choice of law provision in the Management Agreement, and based on The Bahamas having the greatest interest in the litigation and being the country with the most significant relationship to the legal issues.” (*Id.* at 5 n.1) In their pre-motion letters, however, both Defendants and Plaintiffs cite only to New York and Second Circuit law.

Accordingly, the parties will file supplemental letters addressing the following:

1. the pending Bahamian action, including
 - a. the parties and claims,
 - b. the procedural history,
 - c. the status of the Bahamian action and why it has taken so many years to resolve,
 - d. anticipated future developments in the Bahamian action, including the anticipated timeframe, and
 - e. additional legal analysis as to whether the prior pending action doctrine warrants dismissal of the instant case; and
2. what law applies to the instant action, including
 - a. discussion of contractual provisions discussing choice of law and venue; and
 - b. whether the applicable law varies between claims and/or counterclaims in the instant action.

The parties will attach any document they cite as an exhibit, including any documents addressing choice of law and venue.

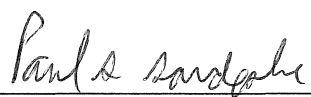
Defendants' submission is due by **January 24, 2023**.

Plaintiffs' response is due by **January 31, 2023**.

The conference scheduled for January 19, 2023, is adjourned to **February 2, 2023 at 10:30 a.m.**

Dated: New York, New York
January 18, 2023

SO ORDERED.



Paul G. Gardephe
United States District Judge